

JONATHAN O. PENA, ESQ.
CA Bar ID No. 278044
Peña & Bromberg, PLC
2440 Tulare St., Suite 320
Fresno, CA 93721
Telephone: 559-412-5390
Fax: 866-282-6709
info@jonathanpena.com
Attorney for Plaintiff

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

RAFAEL ESPINOZA, } Case No. 1:23-cv-01499-JLT-BAM
Plaintiff, }
vs. } STIPULATION AND ~~PROPOSED~~
MARTIN O'MALLEY, Commissioner } ORDER FOR EXTENSION OF
of Social Security¹, } TIME
Defendant. }

Pending the Court's approval, IT IS HEREBY STIPULATED, by and between the parties through their respective counsel of record, with the Court's approval, that Plaintiff shall have a 30-day extension of time, from March 22, 2024 to April 22, 2024, for Plaintiff to serve on defendant with PLAINTIFF'S MOTION

¹ Martin O’Malley became the Commissioner of Social Security on December 20, 2023. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Martin O’Malley should be substituted for Kilolo Kijakazi as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 FOR SUMMARY JUDGMENT. All other dates in the Court's Scheduling Order
2 shall be extended accordingly.

3 This is Plaintiff's second request for an extension of time. Plaintiff
4 respectfully states that the requested extension is necessary. Counsel's child
5 sustained a school injury on March 11, 2024 requiring hospitalization and surgery.
6 Counsel has had to cut back on work hours during his recovery impacting the
7 current briefing calendar. Counsel requires additional time to brief the issues
8 thoroughly for the Court's consideration. Defendant does not oppose the requested
9 extension. Counsel apologizes to the Defendant and Court for any inconvenience
10 this may cause.

11
12 Respectfully submitted,

13 Dated: March 12, 2024 PENA & BROMBERG, ATTORNEYS AT LAW
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15 By: /s/ Jonathan Omar Pena
16 JONATHAN OMAR PENA
17 Attorneys for Plaintiff

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19 Dated: March 12, 2024 PHILLIP A. TALBERT
20 United States Attorney
21 MATHEW W. PILE
22 Associate General Counsel
23 Office of Program Litigation
Social Security Administration

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25 By: */s/ Michael Marriott
26 Michael Marriott
27 Special Assistant United States Attorney
28 Attorneys for Defendant
(*As authorized by email on March 12, 2024)

ORDER

Pursuant to the parties' stipulation, and good cause appearing, Plaintiff's request for an extension of time to April 22, 2024, to file a Motion for Summary Judgment is GRANTED. All other deadlines in the Court's Scheduling Order are modified accordingly.

IT IS SO ORDERED.

Dated: **March 13, 2024**

/s/ Barbara A. McAuliffe

UNITED STATES MAGISTRATE JUDGE